

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CIVIL ACTION NO. 1:14cv206 (WOB-SKB)

CHRISTOPHER AVERY

PETITIONER

VS.

ORDER

WARDEN, ALLEN  
CORRECTIONAL INSTITUTION

RESPONDENT

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. #14), and having considered de novo those objections filed by plaintiff (Doc. #16), and the Court being sufficiently advised,

**IT IS ORDERED** that the Report and Recommendation (Doc. #14) be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that respondent's motion to dismiss (Doc. #6) be, and it is, hereby **granted**; that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2245 (Doc. #1) be, and it is, hereby **dismissed with prejudice** on the ground that the petition is time-barred under 28 U.S.C. §2244(d). A certificate of appealability shall not issue with respect to any and all claims for relief alleged herein. Pursuant to 28 U.S.C. §1915(a)(3), any appeal of this Order would not be taken in "good faith" and petitioner should therefore not be permitted to proceed *in forma pauperis*.

This 16th day of March, 2015.



**Signed By:**

**William O. Bertelsman** *WOB*

**United States District Judge**